

Message Text

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43

ACTION L-03

INFO OCT-01 EUR-25 ADP-00 SCA-01 JUSE-00 RSR-01 RSC-01

/032 W

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R 161600 Z APR 73

FM AMEMBASSY DUBLIN

TO SECSTATE WASHDC 4587

C O N F I D E N T I A L DUBLIN 0511

E. O. 11652: N/A

TAGS: PFOR/EI

SUBJECT: EXTRADITION TREATY NEGOTIATIONS: IRELAND

BEGIN SUMMARY: WE APPROACHED HAYES, LEGAL ADVISER
IRISH FONOFF, ON BASIS GAITHER'S LETTER TO PROPER
OF MARCH 30. HAYES ASKED US TO GIVE HIM INFORMALLY
SPECIFIC LANGUAGE WE HAD IN MIND AS COMPROMISE
SOLUTION TO PROBLEM ARTICLE IN DRAFT TREATY. HOPE
DEPT CAN GIVE US THIS LANGUAGE, EVEN IF GAITHER IS
NOT IN WASHINGTON. END SUMMARY

1. WE TOLD HAYES THAT THERE APPEARED TO BE REAL
PROBLEMS IN WASHINGTON WITH BRACKETED PARA 8 OF DRAFT
TREATY'S ARTICLE V. THIS PARA PROVIDES THAT EXTRADITION
SHALL NOT BE GRANTED " WHEN THE OFFENSE IS ALSO AN
OFFENSE UNDER THE LAW OF THE REQUESTED PARTY AND ITS
APPROPRIATE AUTHORITIES HAVE DECIDED EITHER TO
TERMINATE OR NOT TO INSTITUTE PROCEEDINGS FOR THE
OFFENSE AGAINST THE PERSON WHOSE SURRENDER IS SOUGHT."
LANGUAGE REFLECTS PROVISION OF IRISH EXTRADITION ACT
OF 1965.

2. DURING TREATY NEGOTIATIONS IN 1972, US SIDE PROPOSED
TO IRISH THAT, INSTEAD OF THIS SPECIFIC LANGUAGE, WE
MIGHT BE ABLE TO ACCEPT A PARAGRAPH WHICH BY REFERENCE
INCORPORATES IN TREATY PROVISIONS OF IRISH EXTRADITION
ACT. AT THE TIME, IRISH SIDE WAS NOT COMFORTABLE WITH
THIS MORE VAGUE LANGUAGE, BUT GAITHER'S LETTER SUGGESTS
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WE PUT PROPOSAL TO THEM AGAIN. WHEN WE DISCUSSED THIS
WITH HAYES, HE AGREED TO TAKE ANOTHER CAREFUL LOOK AT
OUR PROPOSAL, BUT ASKED FOR SPECIFIC WORDING. WE DO
NOT HAVE THIS AT EMBASSY.

3. ACTION REQUTO THE PRESS AND
URGE THEM TO ENSURE THAT THERE IS NO PREMATURE DISCLOSURE.
ROGERS

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*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts:
Control Number: n/a
Copy: SINGLE
Draft Date: 16 APR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: cunninfx
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973DUBLIN00511
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: RR
Errors: n/a
Film Number: n/a
From: DUBLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730443/aaaaioxk.tel
Line Count: 76
Locator: TEXT ON-LINE
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: cunninfx
Review Comment: n/a
Review Content Flags: ANOMALY
Review Date: 13 SEP 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <13-Sep-2001 by rowellE0>; APPROVED <27-Sep-2001 by cunninfx>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> jms 980120
Subject: EXTRADITION TREATY NEGOTIATIONS: IRELAND
TAGS: PFOR, EI, n/a
To: L
SECSTATE WASHDC
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005